

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Skynet Satellite Corporation) Call Sign S2764 (File No. SAT-LOA-20080910-00174)
)
Application for Authority to Launch and)
Operate a 17/24 GHz Broadcasting-)
Satellite Service Space Station)

COMMENTS OF SES AMERICOM, INC.

SES Americom, Inc. (doing business as “SES WORLD SKIES”),¹ by its attorneys and pursuant to Section 25.154 of the Commission’s rules, 47 C.F.R. § 25.154, hereby submits its comments on the above-captioned application of Skynet Satellite Corporation (“Skynet”) for a Commission license to launch and operate RDBS-1, a new space station in the 17/24 GHz Broadcasting-Satellite Service (“BSS”) at 70° W.L. (the “RDBS-1 Application”). Under the Commission’s 17/24 GHz BSS orbital assignment rules, Skynet cannot be authorized to operate at full power and with full interference protection at 70° W.L. because SES WORLD SKIES has a previously-filed application less than four degrees away (the “AMC-22 Application”).²

SES WORLD SKIES has been active in the Commission’s proceedings to adopt rules for 17/24 GHz BSS, supporting policies that will facilitate the introduction of additional video service delivery options for U.S. consumers.³ SES WORLD SKIES has emphasized that its business plans include the deployment of 17/24 GHz spacecraft to serve the U.S. The AMC-22

¹ On September 7, 2009, SES S.A. announced that the newly integrated operations of SES Americom, Inc. and New Skies Satellites B.V. will be conducted under a single brand name, SES WORLD SKIES. The new brand name does not affect the underlying legal entities that hold Commission authorizations or U.S. market access rights.

² Call Sign S763, File No. SAT-LOA-20080910-00173.

³ See, e.g., Comments of SES Americom, Inc., IB Dkt No. 06-123 (filed Oct. 16, 2006) at 2, 5-9; Reply Comments of SES Americom, Inc., IB Dkt No. 06-123 (filed Nov. 15, 2006) at 6, 12-14.

Application, which proposes operation of a state-of-the-art 17/24 GHz BSS satellite to provide high-quality video and other services to users in the U.S. and beyond, is an important part of these plans.

The proposed orbital location for AMC-22 is offset by .5 degrees from the 67° W.L. orbital location specified in Appendix F of the Commission’s decision adopting rules for 17/24 GHz service. That decision specified a “grid” of nominal orbital locations spaced four degrees apart at which the Commission would license the 17/24 GHz BSS frequencies.⁴ On reconsideration of the initial order, the Commission expressly permitted applicants to seek offsets of up to one degree from the Appendix F locations, and specified that offset operations could be authorized at full power and full interference protection provided that there was no prior license or previously-filed application within four degrees of the proposed orbital assignment.⁵ These offset policies were codified in Sections 25.140 and 25.262 of the Commission’s rules.⁶ Because there was no prior licensee or applicant within four degrees of the 67.5° W.L. orbital location requested for AMC-22, the AMC-22 Application proposes operation at full power and with full interference protection consistent with Sections 25.140 and 25.262.

⁴ *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, Report & Order, FCC 07-76, 22 FCC Rcd 8842 (2007) at ¶ 73 & Appendix F.

⁵ *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, Order on Reconsideration, FCC 07-174, 22 FCC Rcd 17951 (2007) (“*Reconsideration Order*”) at ¶ 22.

⁶ *Id.* at ¶¶ 23-30 & Appendix A.

Skynet also proposes to operate RDBS-1 at an offset from the Commission's four-degree grid, requesting authority at 70° W.L., which is one degree away from the 71° W.L. Appendix F location.⁷ The Application states that because "there are no previously licensed or prior-filed 17/24 GHz BSS satellites" proposed to be located within four degrees of 70° W.L., Skynet seeks Commission authority to operate at the maximum permissible power in accordance with Section 25.262(b).⁸

Although Skynet did not know it at the time it filed the RDBS-1 Application, its statement regarding the absence of any prior-filed applications seeking authority within four degrees of 70° W.L. was incorrect. The AMC-22 Application for 67.5° W.L. was received by the Commission's electronic filing system a fraction of a second before the RDBS-1 Application.⁹ Under the first-come, first-served processing framework for geostationary satellite applications, this time priority means that the Commission must consider the AMC-22 Application prior to the RDBS-1 Application.¹⁰

Furthermore, Skynet is not entitled to operate RDBS-1 at full power and with full interference protection since Skynet seeks an orbital location only two and a half degrees from the location requested in the prior-filed AMC-22 application. The Commission explained in the *Reconsideration Order* that:

Under our revised orbital spacing framework, we will assign 17/24 GHz BSS space stations to orbital locations offset from Appendix F locations by up to one degree, and allow them to operate at full power and with full interference protection, if

⁷ RDBS-1 Application, Technical Description at 2.

⁸ *Id.*, Technical Description at 15.

⁹ The receipt time for the AMC-22 Application was 10:00:00:923 a.m. on September 10, 2008, while the RDBS-1 Application was received at 10:00:01:623 a.m. on the same date. *See* International Bureau Queue Report, available at <http://licensing.fcc.gov/myibfs/qReportExternal.do>.

¹⁰ *See* 47 C.F.R. § 25.158(b) ("[a]pplications for GSO-like satellite system licenses will be placed in a queue and considered in the order that they are filed").

there is no 17/24 GHz BSS space station assigned to, or a prior-filed application requesting assignment to, an orbital location less than four degrees from the applicant's proposed offset location.¹¹

As filed, the RDBS-1 Application is inconsistent with both Section 25.262 and Section 25.140. Section 25.262(b) provides that an “applicant may be authorized to operate a 17/24 GHz BSS space station” at an offset from an Appendix F position at the maximum permissible power “only if there is no licensed 17/24 GHz BSS space station or prior-filed application at a location less than four degrees away from the offset orbital location at which the applicant proposes to operate.”¹² Sections 25.140(b) and (c) require that the interference analysis and spacecraft design for a proposed 17/24 GHz BSS satellite conform to the requirement to protect operations of prior-filed applicants at less than four degree spacing.¹³

Thus, the RDBS-1 Application as filed cannot be granted. Skynet must amend the application to reduce the proposed transmitted power and submit an updated interference analysis. If an amended application for RDBS-1 is granted, operations of that spacecraft must be consistent with the requirements of Section 25.262(d) vis-à-vis AMC-22. Specifically, RDBS-1 “may not cause any more interference to” AMC-22 than would be caused if AMC-22 “were located four degrees away from” RDBS-1, and RDBS-1 “must accept any increased interference that results” from AMC-22 operating “less than four degrees away.”¹⁴

¹¹ *Reconsideration Order* at ¶ 22.

¹² 47 C.F.R. § 25.262(b).

¹³ 47 C.F.R. § 25.140(b) & (c).

¹⁴ 47 C.F.R. § 25.262(d)(1) & (2).

Accordingly, SES WORLD SKIES requests that the Commission hold the RDBS-1 Application in abeyance until the Commission has acted on the AMC-22 Application and Skynet has amended the RDBS-1 Application to conform to Commission rules.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Debra Hosang, hereby certify that on this 23rd day of November, 2009, I caused to be served a copy of the foregoing “Comments of SES Americom, Inc.” on the following party by first-class U.S. mail, postage prepaid:

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